



IN THE HIGH COURT OF JUDICATURE AT JABALPUR M.P.



CRIMINAL APPEAL NO. 1570 OF 2000

UNDER SECTION 341(1) OF THE CODE OF CRIMINAL PROCEDURE 1973

APPELLANT
(APPLICANT)

: Sunil Sarawgi, s/o Sanat Kumar Sarawgi,
aged 30 years, r/o Dayalband Bilaspur,
Tahsil and District Bilaspur M.P.

VERSUS

RESPONDENTS
(NON APPLICANTS)

1. Ramakant Agrawal, s/o Ratanlal Agrawal,
aged 25 years, r/o Girdhar Niwas, Near
Pratap Club, Gondia, P.S. Gondia, Distt.
Bhandara (Maharashtra)
2. Gajadhar Agrawal, s/o Girdharilal
Agrawal, r/o Amgaon P.S. Amgaon Distt
Bhandara (Maharashtra)
3. Ramnarain Agrawal, s/o Balram Das
Agrawal, r/o Near Gayatri Mandir,
Santa Colony Raipur, P.S. Kotwali
Raipur District Raipur M.P.

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आदेश पत्रक (पूर्वानुबन्ध)

आदेश का
दिनांक आदेश
कमाल सहित

Criminal Appeal No.1570/2000

आदेश हस्ताक्षर सहित

कार्यालयीन मामलों में डिप्टी रजिस्ट्रार
के अतिरिक्त, आदेश

Pramod Verma

1-12-2000

Shri Pramod Verma,
learned counsel for the appellant.

Heard.

Being aggrieved by the
order passed by the lower Court
partially rejecting the appellant's
application filed under Section
340 of the Code of Criminal
Procedure, the appellant has
filed this appeal under Section
341 of the Code of Criminal
Procedure.

... contd. ...

उच्च न्यायालय, चहत्तिसगढ़, बिलासपुर
Chhattisgarh, Bilaspur.

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आदेश पत्रक

मामला क्रमांक Ch A 1570/2010 (T) सन् 199

SO/DR

विरुद्ध

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>The non-applicants</p> <p>made an application under Section 439(2) of the Code of Criminal Procedure seeking cancellation of the bail granted in favour of the appellant, alongwith the said application, he filed an affidavit of his own ^{father} son. Ultimately, the Court found that the said affidavit was false and contained false averments. The application for cancellation of bail was rejected and on the application of the present applicant/appellant, the said deponent of the affidavit has been ordered to be prosecuted but his son who had used that affidavit is not being prosecuted nor has been ordered to be prosecuted. Therefore, the</p>	<p>PS</p> <p>3/12/</p> <p>The</p> <p>1</p>

... contd. ...

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>appellant has come to this Court.</p> <p>Undisputedly, the appellant did not level ^{any} ^{charge} against the said son that he knew that his father had sworn a false affidavit. Unless the allegations are made against the said son that either in conspiracy or in connivance ^{he} had sworn a false affidavit, he could not be ordered to be prosecuted. The lower Court was absolutely justified.</p> <p>So far as the other respondents are concerned, after hearing the learned counsel for the appellant, I am unable to hold that the order in relation to them is bad or calls for any interference.</p> <p>The appeal is dismissed.</p>	<p>Sd/- Acting Chief Justice</p>

G.S.